



1AP7 Rec'd PCT/PTO 14 AUG 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Steven S. Carroll, et al

Serial No. : 10/517,295

Case No.: 21122YP

Examiner:

Filed : December 7, 2004

For : NUCLEOSIDE DERIVATIVES AS INHIBITORS OF  
RNA-DEPENDENT RNA VIRAL POLYMERASE


Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

In response to the Notification of Defective Response, mailed August 3, 2006 (a copy of which is attached hereto), Applicants note that this application does not disclose any nucleotide and/or amino acid sequences such that 37 CFR 1.821-1.825 does not apply. Submission of a Sequence Listing is not appropriate. Any fee deficiencies may be charged to Merck Deposit Account number 13-2755.

Respectfully submitted,

By 

Philippe L. Durette  
Reg. No. 35,125  
Attorney for Applicants

MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-4568

Date: August 9, 2006

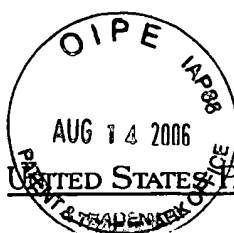
**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.**

MERCK & CO. INC.

By Pamela Spaiding August 9, 2006

## PATENT DEPARTMENT

AUG 09 2006

21122YP  
dof

UNITED STATES PATENT AND TRADEMARK OFFICE

PHILIP H. HARRIS  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,295	Steven S. Carroll	21122YP

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/US03/19172

I.A. FILING DATE	PRIORITY DATE
06/17/2003	06/21/2002

000210  
MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

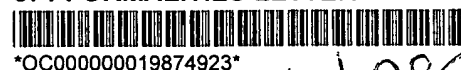
**DOCKETED**

AUG 08 2006

**LORI SCHEPISI**

CONFIRMATION NO. 4717

371 FORMALITIES LETTER



\*OC000000019874923\*

seq listing  
due 9/3/06

Date Mailed: 08/03/2006

**NOTIFICATION OF DEFECTIVE RESPONSE**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/07/2004
- Copy of the International Search Report filed on 12/07/2004
- Preliminary Amendments filed on 12/07/2004
- Oath or Declaration filed on 06/15/2006
- U.S. Basic National Fees filed on 12/07/2004
- Priority Documents filed on 12/07/2004

Applicant's response filed 06/15/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/15/2006 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is